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**BEFORE THE ARIZONA CORPORATION COMMISSION**

Arizona Corporation Commission

**COMMISSIONERS**

2013 FEB 12 P 1:34 DOCKETED

BOB STUMP – Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

AZ CORP COMMISSION FEB 12 2013  
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION  
OF JOHNSON UTILITIES, L.L.C. FOR  
APPROVAL TO EXTEND ITS  
CERTIFICATES OF CONVENIENCE AND  
NECESSITY FOR WATER AND  
WASTEWATER SERVICES.

DOCKET NO. WS-02987A-12-0136

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On April 6, 2012, Johnson Utilities, L.L.C. (“Johnson”) filed with the Arizona Corporation Commission (“Commission”) an application for approval to extend its Certificate of Convenience and Necessity (“CC&N”) to provide water and sewer services to an area known as Bella Vista North (located approximately 0.7 miles from the Town of Florence) and Merrill Ranch Expansion #1 (located within the limits of the Town of Florence).

On April 18, 2012, Johnson filed supplements to its application.

On May 7, 2012, the Commission’s Utilities Division (“Staff”) issued an Insufficiency Letter, stating that Johnson’s application had not met the sufficiency requirements as set forth in the Arizona Administrative Code (“A.A.C”).

On May 23, 2012, Johnson filed responses to Staff’s Insufficiency Letter.

On July 27, 2012, Johnson filed additional information in support of its application.

On November 30, 2012, Johnson filed an amended legal description which, at the developer’s request, deleted a portion of the requested extension area.

On December 20, 2012, Johnson filed an updated legal description.

On February 6, 2013, Staff filed a Sufficiency Letter in this docket stating that Johnson’s application has met the sufficiency requirements as outlined in the A.A.C.

Pursuant to A.A.C. R14-3-109, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall commence on **April 18, 2013**, at 10:00 a.m., or as soon thereafter as is practicable, in Hearing Room No. 1, at the Commission's offices, 1200 West Washington, Arizona 85007.

IT IS FURTHER ORDERED that Johnson **shall provide public notice of the hearing** in this matter, in the following form and style, with the heading in no less than 10-point bold type and the body in no less than 10-point regular type:

**IN THE MATTER OF THE APPLICATION OF JOHNSON UTILITIES, L.L.C.**  
**FOR APPROVAL TO EXTEND ITS CERTIFICATE OF CONVENIENCE**  
**AND NECESSITY FOR WATER AND WASTEWATER SERVICES.**  
**(DOCKET NO. WS-02987A-12-0136)**

On April 6, 2012, Johnson Utilities, L.L.C. ("Johnson or Company") filed with the Arizona Corporation Commission ("Commission") an application for approval to extend its Certificate of Convenience and Necessity ("CC&N") to include Bella Vista North and Merrill Ranch Expansion #1. The Commission's Utilities Division Staff ("Staff") has not yet made a recommendation regarding Johnson's application and the Commission is not bound by the proposals made by Johnson, Staff, or intervenors. The Commission will issue a Decision regarding Johnson's application following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the application, Staff Report, and any written objections to the Staff Report filed by the Company will be available at Johnson's offices [insert addresses]; the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona; and on the internet via the Commission's website (www.azcc.gov) using the e-Docket function.

The Commission will hold a hearing on Johnson's application on **April 18, 2013, at 10:00 a.m.** at the Commission's offices, Hearing Room No. 1, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. WS-02987A-12-0136 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, Arizona 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file a written motion to intervene with the Commission and you must send copies of the motion to Johnson or its counsel and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of the Company etc.); and

3. A statement certifying that you have mailed a copy of the motion to intervene to Johnson or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **March 22, 2013**. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor's obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, at [SBernal@azcc.gov](mailto:SBernal@azcc.gov), voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **Johnson shall mail a copy of the above notice to each property owner in the proposed extension area** and shall cause the above notice to be published at least once in a newspaper of general circulation in the proposed extension area, with **publication and mailing** to be completed no later than **March 8, 2013**.

IT IS FURTHER ORDERED that **Johnson shall file certification of mailing and publication** as soon as practicable after mailing/publication has been completed, but no later than **April 5, 2013**.

IT IS FURTHER ORDERED that **notice shall be deemed complete upon mailing/publication**, notwithstanding the failure of an individual to read or receive the notice.

IT IS FURTHER ORDERED that the **Staff Report and any associated exhibits**, to be presented at hearing shall be reduced to writing and filed on or before **March 12, 2013**.

IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be reduced to writing and filed on or before **April 5, 2013**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **March 22, 2013**.

IT IS FURTHER ORDERED that any **objections to Motions to Intervene** shall be filed on or before **April 5, 2013**.

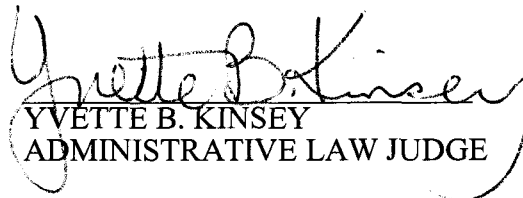
1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
2 Communications) applies to this proceeding as the matter is now set for public hearing, and shall  
3 remain in effect until the Commission's Decision in this matter is final and non-appealable.

4 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
5 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

6 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
7 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
8 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
9 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for  
10 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
11 Law Judge or Commission.

12 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
13 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
14 hearing.

15 DATED this 12<sup>th</sup> day of February, 2013.

16  
17   
18 YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed  
20 this 12<sup>th</sup> day of February, 2013, to:

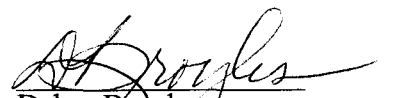
21 Daniel Hodges  
22 JOHNSON UTILITIES, L.L.C.  
5230 East Shea Boulevard.  
Scottsdale, AZ 85254

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004-1481

23 Janice Alward, Chief Counsel  
24 Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
25 Phoenix, AZ 85007

26 Steven M. Olea, Director  
27 Utilities Division  
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By:

  
Debra Broyles  
Secretary to Yvette B. Kinsey